

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS (EASTERN DIVISION)**

<b>Comcast of Georgia/Massachusetts, Inc.) and Comcast of Middletown, Inc. and) Comcast of Boston, Inc. and Comcast of) California/ Massachusetts/ Michigan/Utah,) ) Inc. and Comcast of Maine/New) Hampshire, Inc. and Comcast of) Massachusetts I, Inc. and Comcast of) Massachusetts II, Inc. and Comcast of) Massachusetts III, Inc. and Comcast of) Massachusetts/New Hampshire/Ohio, Inc. and Comcast of New Hampshire, Inc.</b>  <b>Plaintiffs,</b>  <b>vs.</b>  <i>Joseph Amaro, Dimas Amaro, and Joseph Amaro and Dimas Amaro, Jointly d.b.a. CABLEJOINT and D's Electronics</i>  <b>Defendants</b>	<b>Case No.: 04-cv-10414-RCL</b>  <b>AFFIDAVIT/PETITION OF PLAINTIFF'S COUNSEL ATTORNEY JOHN M. MCLAUGHLIN IN SUPPORT OF PLAINTIFFS' CLAIM FOR ATTORNEY'S FEES</b>
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Now come the Plaintiffs, and pursuant to this Court's Order dated June 16, 2006 they make this Petition and Plaintiffs' Counsel makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

1. I, John M. McLaughlin, represent the Plaintiffs in the above-entitled action.
2. I am a member of the Law Firm of Green, Miles, Lipton, & Fitz-Gibbon LLP.
3. My usual hourly rate is \$200.00 per hour. This was also my rate in 2004 and 2005. This rate is more than reasonable for telecommunication civil litigation specialists.
4. I have been a member of the Federal Communications Bar Association and I have been heavily involved in telecommunications litigation since the early 1990's. I have represented Comcast corporate entities, ATTB corporate entities,

MediaOne corporate entities, Continental Cablevision corporate entities, Cox and DIRECTV in hundreds of Civil Actions in the Federal District Courts in Massachusetts, Connecticut, New Hampshire and Rhode Island.

5. Initially, I had this case when I was a member of the firm of McLaughlin Sacks LLC; in September of 2004, I became a partner in the law firm of Green, Miles, Lipton, & Fitz-Gibbon which was a partnership which thereafter became Green, Miles, Lipton, & Fitz-Gibbon LLP of which I am a member.
6. No attorney's fees have been paid by the Plaintiffs or even billed to the Plaintiffs in the case at bar because the case is covered by a contingency fee agreement and there has not been and may never be any actual recovery.
7. The Plaintiffs reserve the right to amend their claim for attorney's fees and costs should Plaintiff's Counsel have to attend a hearing in Boston with reference to these fees.
8. Also, in order to facilitate and expedite the award of Attorney's fees I have not made a claim for certain items which might otherwise be subject to an award of attorney's fees. Specifically:
  - a. I have not made a claim for the time associated with this Affidavit although a reduced hourly billing might be acceptable;
  - b. I have not made a claim for the time of my assistant in that that she is not a paralegal;
  - c. I have not made a claim for any travel time even though some travel time might be reasonable

Should the Defendants dispute my claim for Attorney's fees I reserve the right to amend this Affidavit to include some of the above referenced items.

9. The details of the Attorney's time claimed to-date on this Action are set forth below.

**ATTORNEY'S HOURS:**

2/18/04	Review Client's file	3.0
2/19/04	Research on implications of Potential claims of defense and On criminal acquittal	2.3
2/23/04	First Draft Complaint	1.2
2/23/04	e-mail message to client regarding draft of complaint	.2
2/27/04	Draft Complaint	1.5
3/5/04	Draft Motions, Memorandum and Affidavits on Motion for Civil Seizure	1.4
3/5/04	e-mail message to client regarding search warrant	.2
3/10/04	Work on employee and police Affidavits on Motion for Civil Seizure	1.2
3/10/04	e-mail message to client regarding Affidavits	.2
3/18/04	Telephone discussion with client regarding Affidavits	.3
4/29/04	Draft Motions, Memorandum and Affidavits on Motion for Civil Seizure	.8
5/21/04	Review answer	.2
6/02/04	Review civil seizure order and Injunction	.2
7/7/04	e-mail message to client regarding impoundment order	.2
7/14/04	Work with employees of client, police and Sheriff on executing civil seizure order As to items held by Police	.6

8/26/04	Work with employees of client, police and Sheriff on executing civil seizure order As to documents held by Police	.2
9/9/04	New Appearance	n/c
9/22/04	Draft correspondence, accompanying Copies of documents seized being Sent to Defendants' attorney	.2
9/22/04	Request for Conference	.2
10/6/04	Work on section sixteen Documentation	.3
10/14/04	Draft section sixteen Documentation with out Defense attorney input	.2
10/14/04	Draft formal settlement offer	.3
10/21/04	Hearing on scheduling conference (travel time 3.6)	.4
1/25/05	Prep for mediation	.5
1/26/05	Meet with client and Mediation (travel time 4)	2.0
2/4/05	Review settlement offer from Defendants' Counsel	.3
3/2/05	Hearing on scheduling conference (travel time 3.6)	.4
3/28/05	Review Defendants' Motion To Amend	.2
5/6/05	Motion to Amend scheduling order	n/c
6/2/04	e-mail message to client regarding expert witnesses	.2
6/15/ 05	26a draft and review evidence	2.2
6/17/06	Meet with client at my office On discovery and 26a, all day	7.0

6/21/05	Second Motion to Amend scheduling order	n/c
7/29/05	Finish 26A	1.3
7/29/05	Finish drafting Interrogatories	1.7
7/29/05	Finish drafting requests for admissions	.6
7/29/05	Finish drafting requests for production	.4
8/31/05	Third Motion to amend scheduling order	n/c
9/8/05	Draft Discovery Agreement	.5
9/23/05	Review Notices of Depositions	.2
10/6/05	Review of Defendants' Response to discovery	1.4
10/6/05	Forth Motion to amend scheduling order	n/c
10/7/05	Deposition of Defendants and Father (travel time 4)	7.0
10/19/05	e-mail message from client regarding translator	.2
10/19/05	e-mail message to client regarding translator	.2
10/19/05	e-mail message to client regarding motion To extend time	.2
10/19/05	e-mail message to client regarding in-house Expert	.2
10/31/05	e-mail message from stenographer regarding transcription of criminal trial	.2
10/31/05	Review Subpoena for Paypal	.3
11/1/05	Draft expert disclosure and Expert/employee affidavit Expert affidavit	1.0
11/1/05	Further Drafting expert disclosure And Expert/employee affidavit	

	Expert affidavit	1.0
11/2/05	Amended 26A	1.5
11/16/05	First outline affidavit of UPS Company employee	.3
11/17/05	Phone call with client regarding on case law	.2
11/17/05	Research on Titles 17 and 47	1.2
11/17/05	e-mail message to client regarding case law	.2
11/18/05	e-mail message to client regarding negotiations	.2
11/22/05	e-mail message to client regarding a statement of facts	.2
11/23/2005	First Review results Paypal Staff (6 hr)	n/c
11/23/05	e-mail message to client regarding damages	.2
11/28/05	e-mail message to client regarding our damage analysis	.2
12/07/05	e-mail message to client regarding Malcolm	.2
12/9/05	e-mail message from Defense Attorney Settlement negotiations	.2
12/9/05	e-mail message to Defense Attorney Settlement negotiations	.2
12/21/05	e-mail message from client regarding experts	.2
12/23/05	e-mail message to Defense Attorney Settlement negotiations	.2
12/29/05	e-mail message from Defense Attorney Settlement negotiations	.2
12/29/05	e-mail message to Defense Attorney Settlement negotiations send rough Draft of motion	.2
1/11/06	e-mail message to expert, Mooney	.2

1/11/06	e-mail message to client regarding No Negations from defendant	.2
1/13/06	First draft affidavit of employee/ expert	1.2
1/17/06	Second draft affidavit of employee/ expert	.3
1/18/06	e-mail message to Defense Attorney Settlement negotiations	.2
1/18/06	e-mail message from client regarding affidavits	.2
1/23/06	e-mail message to expert	.2
1/25/06	Draft affidavit of employee/ expert	.3
1/25/06	e-mail message from client regarding affidavits	.2
1/25/06	Draft affidavit of UPS Company employee	.2
1/27/06	e-mail message from client regarding damages	.2
1/23/06	Draft affidavit of Defendant from other lawsuit	.5
1/23/06	Daft affidavit of Connecticut employee	.5
1/24/06	Draft affidavit of PayPal employee	.2
1/25/06	Draft affidavit of Stenographer on criminal trial transcription	.2
1/13/06	First draft affidavit of Private investigator, ex-secret service agent	.5
1/24/06	Final draft affidavit of Private investigator, ex-secret service agent	.2
10/26/06	Research on Judicial Estoppel	3.0

11/29/05	Research on Massachusetts unfair trade practices issues	1.2
12/23/05	Research on digital millennium copyright statute applicable date	1.4
12/29/05	Initial drafting motion for summary judgment	1.2
11/21/05	Initial drafting a local rules statement	1.5
1/24/05	Motion to seal	.5
1/25/06	e-mail message to client regarding affidavits	.2
1/30/06	Initial drafting memorandum In support of summary judgment	2.4
2/1/06	Further drafting memorandum	.5
2/2/06	Final changes to Motion Documents	1.5
2/4/06	e-mail message from client regarding damages	.2
2/7/06	e-mail message from client regarding damages	.2
2/9/06	e-mail message to client regarding damages	.2
5/5/06	e-mail message to client regarding new, good Rhode Island case	.2
<b>TOTAL of hours</b>		69.8
<b>TOTAL amounts</b>		<b>\$13,960.00</b>



10. My clients have incurred costs in pursuit of this civil action as set forth below.

**COSTS:**

<b>Filing Fee</b>	<b>\$150.00</b>
<b>Bristol County Sheriff Service</b>	<b>\$ 90.00</b>
<b>Bristol County Sheriff Service</b>	<b>\$103.60</b>
<b>Bristol County Sheriff Service</b>	<b>\$ 79.25</b>
<b>Bristol County Sheriff Service Subpoena for Deposition</b>	<b>\$109.00</b>
<b>Bristol County Sheriff Service Subpoena for Deposition</b>	<b>\$112.00</b>
<b>Bristol County Sheriff Service</b>	<b>\$ 82.25</b>
<b>Court Reporter for Deposition</b>	<b>\$871.00</b>
<b>Pay Pal Subpoena</b>	<b>\$ 80.00</b>
<b>Transcription of Criminal Trial</b>	<b>\$ 72.00</b>
<b>Mooney Services, Expert Witness</b>	<b>\$250.00</b>

<b>TOTAL COSTS</b>	<b>\$1,999.10</b>
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11. The Plaintiffs will waive the other counts in the Plaintiffs' Complaint subjecting them to dismissal without prejudice should the Court wish to enter Final Judgment based upon its order of June 16, 2006 and this Petition.

7/10/2006  
Date

/s/ John M. McLaughlin  
John M. McLaughlin